IN THE CLAIMS:

Please amend claims 1, 11, and 21, as shown in the complete list of claims that is presented below:

1. (Currently Amended) A method for capturing video data into a computer system, the method comprising the following steps:

(a) reading the video data;

(b) detecting the video data to estimate scene changes <u>so that a unitary scene will not be split into two different files</u>;

(c) <u>estimating a file size of the video data:</u> ~~and to determine a that an identical scene will not be split into two different files;~~

~~(e)~~ <u>(d)</u> splitting the video data into a plurality of video files <u>according to a scene change if the video data has the scene change, and according to a maximum file size if the video data does not have the scene change</u>; and

~~(d)~~ <u>(e)</u> storing the plurality of video files.

2. (Previously Presented) The method according to claim 1, wherein the step of detecting video data further comprises continuously reading video data when a scene change is not detected from the read video data that has a default size, and further the continuously read video data is not greater than a limitation of a file system.

3. (Previously Presented) The method according to claim 2, wherein the step of continuously reading video data will be stopped when a scene change is detected or the size of the video data is equal to the limitation of the file system.

4. (Previously Presented) The method according to claim 3, wherein the video data comprises at least a first scene and a second scene including a plurality of frames respectively.

5. (Previously Presented) The method according to claim 4, wherein an interval of recording time, between a frame and its adjacent frame is calculated as the estimate of scene change.

6. (Previously Presented) The method according to claim 5, wherein the interval between the last frame of the first scene and the first frame of the second scene is greater than the interval between 2 adjacent frames of others.

7. (Previously Presented) The method according to claim 4, wherein the difference between object characters of a frame and its adjacent frame is employed to determine whether scene change occurs.

8. (Previously Presented) The method according to claim 4, wherein frames of the first scene and frames of the second scene are split into different video files.

9. (Previously Presented) The method according to claim 8, wherein frames of the same scene are stored in the same video file.

10. (Previously Presented) The method according to claim 3, wherein the file size of video data for being split is determined when a scene change is detected.

11. (Currently Amended) A method for capturing video data into a computer system wherein the computer system comprises a storage unit, the method comprising the following steps:

(a) reading a plurality of frames of the video data;

(b) estimating the file size of the video data;

(c) detecting a scene change between the frames so that a unitary scene will not be split into two different files;

(d) splitting the video data into a plurality of video files according to a scene change if the video data has the scene change, and according to a maximum file size to be split if the video data does not have the scene change; so that an identical scene will not be split into two different files; and

(e) storing the video files into a storage unit.

12. (Previously Presented) The method according to claim 11, wherein the method further comprises setting a default value for the size of video data before said step (b).

13. (Previously Presented) The method according to claim 12, wherein the method continues to proceed to said step (c) when the size of the captured video data is

greater than the default value, and the method goes back to said step (a) when the size of the captured video data is less than the default value.

14. (Previously Presented) The method according to claim 13, wherein the video data comprises at least a first scene and a second scene.

15. (Previously Presented) The method according to claim 14, wherein the method further comprises calculating an interval of recording time between a frame and its adjacent frame in said step (c).

16. (Previously Presented) The method according to claim 15, wherein the interval between the last frame of the first scene and the first frame of the second scene is greater than the interval between 2 adjacent frames of others.

17. (Previously Presented) The method according to claim 14, wherein the determination of scene change in said step (b) further comprises distinguishing the difference between object characters of a frame and its adjacent frame.

18. (Previously Presented) The method according to claim 14, wherein in said step (d), frames of the first scene and frames of the second scene are split into different video files.

19. (Previously Presented) The method according to claim 18, wherein frames of the same scene are stored in the same video file.

20. (Previously Presented) The method according to claim 13, wherein the file size of video data for being split is determined when a scene change is detected.

21. (Currently Amended) A device for capturing video data stored in a tape into a computer system, wherein the computer system comprises a storage unit, the device of digital video capture comprising:

a reading unit for reading video data;

a detection unit for detecting changes of scenes <u>so that a unitary scene will not be split into two different files</u>;

a determining unit <u>for estimating a file size of the video data and</u> determining a <u>maximum</u> file size to be split<u>;</u> ~~so that an identical scene will not be split into two different files;~~ and

a splitting unit for splitting video data into a plurality of video files <u>according to a scene change if the video data has the scene change, and according to the maximum file size if the video data does not have the scene change</u> and then storing the video files into the storage unit.

22. (Previously Presented) The device according to claim 21, wherein the video data comprises a plurality of frames.

23. (Previously Presented) The device according to claim 22, wherein the reading unit further comprises a memory for storing the frames temporarily.

24. (Previously Presented) The device according to claim 21, wherein the reading unit will be used to continuously read video data when scene change is not detected by the detection unit and the size of video data is not greater than a limitation of a file system.

25. (Previously Presented) The device according to claim 21, wherein the reading unit is stopped from continuously reading video data when a scene change is detected by the detection unit or the size of the video data is equal to a limitation of a file system by the determining unit.

26. (Previously Presented) The device according to claim 25, wherein the determining unit determines the file size to be split when a scene change is detected by the detection unit.